

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WENDELL PHILLIPS,

Plaintiff,

vs.

Case No. 07-CV-14662

HON. GEORGE CARAM STEEH

DAKTRONICS, INC.,

Defendant.

_____/

ORDER DENYING PLAINTIFF'S REQUEST FOR REHEARING

On February 5, 2008, this court entered an opinion and order granting defendant's motion to dismiss. Plaintiff timely filed this motion for reconsideration on February 22, 2008.

Local Rule 7.1(g)(3) of the Local Rules of the United States District Court for the Eastern District of Michigan provides:

[M]otions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication, shall not be granted. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that a different disposition of the case must result from a correction thereof.

The court finds that plaintiff's motion simply reiterates earlier arguments which have been previously considered and addressed. Having found this to be the case, there is one argument in the motion for reconsideration that the court would like to address. Plaintiff explains that he never sought out another manufacturer or investor during the seven years between handing his designs to defendant and "discovering" that defendant had manufactured a lighted backboard with LED's, because he was confident that his property

was protected by a patent. Even if this were the case, however, the existence of a patent does not extend a statute of limitations period. Accordingly,

IT IS ORDERED that plaintiff's motion for reconsideration is hereby DENIED.

So ordered.

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

Dated: February 25, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on February 25, 2008, by electronic and/or ordinary mail.

s/Josephine Chaffee
Secretary/Deputy Clerk